

1 ZONING MAP ORDINANCE NO. Z- 10-92

2 AN ORDINANCE amending the City of  
3 Fort Wayne Zoning Map No. L-38.

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
5 WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is hereby  
7 designated an B-1-B (Limited Business) District under the  
8 terms of Chapter 33 of the Code of the City of Fort Wayne,  
9 Indiana of 1974:

10 Beginning at a point on the South line of Lot #108 in  
11 Rodenbeck's 7th Addition, said point being 968.0 feet  
12 East and 413.35 feet North of the Southwest corner of the  
13 Southwest Quarter of Section 14, Township 31 North, Range  
14 12 East, Allen County, Indiana; thence East along the  
15 South line of Lots #108 through Lot #116, a distance of  
16 760.9 feet to the Southeast corner of Lot #116, said  
17 point being located on the West right-of-way line of  
18 Rodenbeck Drive; thence South with a deflection angle to  
19 the right of 89 degrees 44 minutes along the West right-  
20 of-way line of Rodenbeck Drive, a distance of 61.86 feet  
21 (70.0 feet, plat); thence South on a curve to the right  
22 having a radius of 125.0 feet and a central angle of 28  
23 degrees 29 minutes 16 seconds (33 degrees 00 minutes,  
24 plat) a distance of 62.15 feet (72.0 feet, plat); thence  
25 Southwest tangent to the aforesaid curve, along the West  
right-of-way line of Rodenbeck Drive, a distance of  
167.57 feet (170.0 feet, plat); thence South on a curve  
to the left having a radius of 175.0 feet and a central  
angle of 28 degrees 00 minutes (23 degrees 00 minutes,  
plat), a distance of 85.52 feet (70.0 feet, plat); thence  
South tangent to the aforesaid curve, and along and the  
West right-of-way line of Rodenbeck Drive, a distance of  
20.0 feet to a point on the North right-of-way line of  
Washington Center Road; thence West with a deflection  
angle to the right of 90 degrees 00 minutes 00 seconds,  
along the North right-of-way line of Washington Center  
Road, and 45.0 feet North and parallel to the South line  
of the SW  $\frac{1}{4}$  of Sec. 14-31-12, a distance of 644.5 feet;  
thence North with a deflection angle to the right of 89  
degrees 30 minutes 40 seconds, a distance of 368.8 feet  
to the point of beginning, containing 6.01 acres.

26 Excepting therefrom a strip of land 50.0 feet in width  
27 running along the entire northern boundary of the above  
28 described property, the southern boundary line of such  
exception running parallel to the north boundary line of  
the above described real estate.

29 and the symbols of the City of Fort Wayne Zoning Map No. L-38,  
30 as established by Section 11 of Chapter 33 of the Code of the  
31 City of Fort Wayne, Indiana are hereby changed accordingly.

32 SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

Cletus R Edmonds  
33 Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. TIMOTHY MCCAULAY, CITY ATTORNEY

# Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From R-1 to B-1-B		

## DETAILS

Specific Location and/or Address  700-800 Blk of W Washington Ctr Rd
Reason for Project  New Furniture Store
Discussion (Including relationship to other Council actions)  <u>17 August 1992 - Public Hearing</u>  See Attached Minutes of Meeting  <u>24 August 1992 - Business Meeting</u>  Motion was made and seconded, to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions:  1) Submitted a revised legal description that excludes the north fifty (50) feet of the parl from the rezoning, and  2) Entering a covenant with the Ludwig Park Neighborhood Association that addresses buffering and/or screening of future site development.  Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) Ervin's La-Z-Boy Shoppe & Calvary Temple Church City Department  Other
Opponents	Groups or Individuals Laurie Scharwz 907 Wolverton Dr Basis of Opposition -would prefer property to remain residentially zoned, it is better for the area
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken  <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

**DETAILS****POLICY/PROGRAM IMPACT**

<b>Policy or Program Change</b>	<input type="checkbox"/> No	<input type="checkbox"/> Yes
<b>Operational Impact Assessment</b>		

(This space for further discussion)

**Project Start**      Date 13 July 1992**Projected Completion or Occupancy**      Date 16 September 1992**Fact Sheet Prepared by**  
Patricia Biancaniello**Reviewed by**  
*SJ Carlson***Reference or Case Number**

a. Bill No. Z-92-08-07 - Change of Zone #521  
From RA to B-1-B  
700-800 Block of West Washington Ctr Road

Ed Beck, attorney, 1900 Lincoln Bank Tower, appeared before the Commission. Mr. Beck was representing Ervin Showcase La-Z-Boy Showcase Shops. He stated that the applicant seeks the rezoning to permit the development of a 22,500 square foot La-Z-Boy furniture gallery. He stated that Mr. Ervin has been the owner of the local La-Z-Boy franchise for 17 years. He stated that La-Z-Boy is a Fortune 500 company. He stated that it has established high quality standards for its franchises, which standards impose high standards on operations as well as the facilities used. He stated that La-Z-Boy must approve any construction or new development of a La-Z-Boy store. He stated that they have given preliminary approvals to this proposal. He stated that the current La-Z-Boy store employs approximately 9 employees and it is anticipated that if this rezoning is approved and the development proceeds, that there will be approximately 15 to 18 employees for the new and expanded facility. He stated that this particular plan calls for the development initially of the furniture gallery and would also call for potential future development to the area immediately east of the proposed building. He stated that this particular property is bounded by Rodenbeck Drive on the east, on the south by Washington Center Road, to the west there is a nursing home and to the west of that is the Calvary Temple development. He stated that as the Commission knows Washington Center Road has recently been or perhaps still is in the process of being 4-lane. He stated that with the 4-lane and with the expanded traffic capacity, that this particular property is extremely well suited to the commercial type development that is proposed here. He stated that to the south of Washington Center Road is virtually entirely commercial along that stretch of road from I-69 to Highway 3. He stated that the Comprehensive Plan calls for residential in that area. He stated that they believe that given the change in the character of that location out there, with the commercial development on the south and the expanded traffic flow given the 4-laneing of Washington Center Road, that the prospect of any residential development on this particular tract is remote, if not, non-existent. Mr. Beck stated that they felt that their proposed use for the land is the highest and best use. He stated that the proposed use would not significantly increase the traffic flow. He stated that the La-Z-Boy furniture store currently has approximately 20 to 25 customers on a daily basis. He stated that their hours are 10-9 Monday through Friday, 10-5 on Saturday and noon to 5 on Sunday. He stated that it would be anticipated that with the expansion that the traffic for this particular location would increase to approximately 50 cars per day over the entire expanse of time that the facility is open. He stated that its deliveries are limited to approximately 2 deliveries per day. He stated that they feel that the proposed development would be less intrusive than potential developments that would be permitted under the current RA zoning classification. He stated for example the current zoning allows a height of 35 feet per structure. He stated the proposed structure

would have a height of approximately 18 feet. He stated that the plan calls for a buffer from the adjacent residential property. He stated that they are prepared to amend their petition to reduce the amount of land being sought for rezoning along the north boundary line. He stated they would leave that residential and help to provide a further buffer and eliminate the possibility of future commercial development along that property line. He stated the exact amount of land would be subject to discussion with the staff and also discussions with the neighborhood association. He stated that the staff has indicated that they feel one of the problems with this rezoning will be that there are too many potential uses that would be permitted in the B-1-B zoning classification that would be intrusive upon the residential character of the neighborhood. He stated that they have spoken with the president of the Ludwig Park Neighborhood Association and they have discussed with them the possibility of entering into an agreement with the Association, whereby they would agree to restrict the uses. He stated that they would place the restriction on the property and it would be binding with any subsequent landowners. He stated that they would restrict the uses to something that would be compatible with the residential character to the north and also would be in keeping, they believe, with the concerns that have been raised by the staff. He stated that they believe that such a proposal has precedence, that there have been other incidents in which such agreements have been entered into. He stated that this would permit the residential landowners, to control to a certain extent, by virtue of the agreement, the uses to which that property could be placed. He stated that they have spoken with the President and Vice-President of the Ludwig Park Association and discussed their plans with them, and they have indicated to them that the Association does not oppose the rezoning request. He stated that they have stated a willingness to meet with them to discuss an agreement that could be worked out that would further restrict the uses to which the property could be used and also to discuss the potential additional buffering along the north edge. He stated that they believe they can work with the Association and alleviate both their concerns as well as the concerns that have been expressed by the staff and arrive at a mutually agreeable arrangement, which will recognize the competing interests of promoting business and jobs for this community and also to preserve the integrity of the residential neighborhoods.

Steve Ervin, 1909 Dominion Drive, the petitioner and owner of La-Z-Boy franchise appeared before the Commission. Mr. Ervin stated that he had been the holder of the franchise in Fort Wayne for 17 years. He stated that prior to that he was involved in the family furniture business. He stated that they intend to be a good commercial neighbor. He stated that the site has to be approved by La-Z-Boy. He stated that all of the stores are done in a quality manner and everyone is well landscaped. He stated that the cost of the new structure is anticipated to be about \$1,000,000. He stated that the difference between the store he now has and the one he wants to build is that they are now a very localized store. He stated that they depend almost solely on business from Allen

County. He stated that the new operation, they would hope, would pull business from about a 65 mile radius of the store. He stated that is why it is very important for them to be near an interstate. He stated that they will work with the Neighborhood Association to assure them that they will not become an eyesore to them. He stated that they will have parking for only 22 cars. He stated they feel their use will be a very unobtrusive use of the land.

Laurie Scharwz, 907 Wolverton Dr, appeared before the Commission. She stated that their property was adjacent to the proposed development. She stated that she had spoken with the Neighborhood Association President on Saturday and was informed that this project had been dropped. She stated she would prefer the property remain zoned residentially. She stated that the President of the Association felt the zoning would be changed and felt that this request was the best of all evils. She stated that she was opposed to the rezoning.

Robert Wright requested that the staff explain their reasoning behind the recommendation of do not pass.

Wayne O'Brien, Planner II with C&ED, stated that he felt the planning staff discussion was rather concise in setting forth the reasons that they recommended a do not pass. He stated that the Plan Commission is unable to rezone the property to B1B for only a certain amount of limited uses. He stated that to rezone the property to B1B means anyone of approximately 90 uses could go in there. He stated that those uses would be beyond the Commission's control. He stated that they do not look at what the intended use is, they look at the zoning classification itself and all that it could entail. He stated that they see the highest and best use of this property in some type of transitional development. Whether that would be another nursing home, some type of multi-family residential development or even possibly a professional office district, that is what they would recommend to be appropriate as opposed to a commercial rezoning.

Robert Wright asked if there was anything that was brought up by the developer that would change that.

Mr. O'Brien stated that they sympathize with the concerns of the developer and fully believe the developer would be a good neighbor. Unfortunately they could not recommend the Commission in anyway endorse what is known as "contract zoning".

Greg Purcell, Executive Director of C&ED, stated that the scaling down of the property may have some impact on the Commission's ultimate decision. He stated that while the city cannot engage in contract zoning, if there were a private covenant between the landowners and the developer, the city would not honor it, nor would they be a party to it, but they could at least acknowledge it. He stated that if that was something that the Commission would like to see, and it might have some impact on the Commission's decision, but not the staff recommendation, it might be a good idea

for the attorney for the developer to scale back the territory and provide some landscaping and restrictive covenants with the property owners.

Robert Wright stated that the petitioner has indicated that the Neighborhood Association supports this request and questioned if there was any documentation to support that statement.

Mr. O'Brien stated that they had spoken with two different officers of the Association and both have indicated that they feel that this is the best of all evils. He stated they feel the area will go commercial and they seem to be trying to "cut their losses", and they do feel sympathetic to the development that is before the Commission tonight.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

X52  
BILL NO. Z-92-08-07

1 ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

2 AN ORDINANCE amending the City of  
3 Fort Wayne Zoning Map No. L-38.

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
5 WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is hereby  
7 designated an B-1-B (Limited Business) District under the  
8 terms of Chapter 33 of the Code of the City of Fort Wayne,  
9 Indiana of 1974:

10 Beginning at a point on the South line of Lot #108 in  
11 Rodenbeck's 7th Addition, said point being 968.0 feet  
12 East and 413.35 feet North of the Southwest corner of the  
13 Southwest Quarter of Section 14, Township 31 North, Range  
14 12 East, Allen County, Indiana; thence East along the  
15 South line of Lots #108 through Lot #116, a distance of  
16 760.9 feet to the Southeast corner of Lot #116, said  
17 point being located on the West right-of-way line of  
18 Rodenbeck Drive; thence South with a deflection angle to  
19 the right of 89 degrees 44 minutes along the West right-  
20 of-way line of Rodenbeck Drive, a distance of 61.86 feet  
21 (70.0 feet, plat); thence South on a curve to the right  
22 having a radius of 125.0 feet and a central angle of 28  
23 degrees 29 minutes 16 seconds (33 degrees 00 minutes,  
24 plat) a distance of 62.15 feet (72.0 feet, plat); thence  
25 Southwest tangent to the aforesaid curve, along the West  
right-of-way line of Rodenbeck Drive, a distance of  
167.57 feet (170.0 feet, plat); thence South on a curve  
to the left having a radius of 175.0 feet and a central  
angle of 28 degrees 00 minutes (23 degrees 00 minutes,  
plat), a distance of 85.52 feet (70.0 feet, plat); thence  
South tangent to the aforesaid curve, and along and the  
West right-of-way line of Rodenbeck Drive, a distance of  
20.0 feet to a point on the North right-of-way line of  
Washington Center Road; thence West with a deflection  
angle to the right of 90 degrees 00 minutes 00 seconds,  
along the North right-of-way line of Washington Center  
Road, and 45.0 feet North and parallel to the South line  
of the SW  $\frac{1}{4}$  of Sec. 14-31-12, a distance of 644.5 feet;  
thence North with a deflection angle to the right of 89  
degrees 30 minutes 40 seconds, a distance of 368.8 feet  
to the point of beginning, containing 6.01 acres.

26 and the symbols of the City of Fort Wayne Zoning Map No. L-38,  
27 as established by Section 11 of Chapter 33 of the Code of the  
28 City of Fort Wayne, Indiana are hereby changed accordingly.

29  
30 SECTION 2. That this Ordinance shall be in full force  
31 and effect from and after its passage and approval by the  
32 Mayor.

C.R. Edmunds

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay  
J. TIMOTHY MCCUAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds,  
and duly adopted, read the second time by title and referred to the  
Committee on Legislation (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne, Indiana, on 19, the 19 day of October o'clock

M., E.S.T.

DATED:

8-11-92

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds,  
and duly adopted, placed on its passage. PASSED LOST  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 10-13-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
*Deputy City Clerk*

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-10-92  
on the 13th day of October, 1992

ATTEST:

(SEAL)

Sandra E. Kennedy  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 14th day of October, 1992,  
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK  
*Deputy City Clerk*

Approved and signed by me this 15th day of October,  
1992, at the hour of 10:30 o'clock A.M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

## RECEIPT

No 10925

COMMUNITY &amp; ECONOMIC DEVELOPMENT

FT. WAYNE, IND.

7-13, 92

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

\$ 53.58

Two hundred and six dollars  
100  
53.58

DOLLARS

BY: CASH  CHECK  M.O. AUTHORIZED SIGNATURE jkx15

#521  
PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 10925

DATE FILED 7-13-92

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

We, ERVIN'S LA-Z-BOY SHOWCASE SHOPPE, INC. and CALVARY TEMPLE CHURCH, INC. do hereby petition your Honorable Body to amend the Zoning May of Fort Wayne, Indiana, by reclassifying from a R-1 District to a B-1B District the property described as follows:

A part of the Southwest Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, being all except the west 587 feet of a vacated part of RODENBECK'S 7th ADDITION as recorded in Plat Book 31, page 16, in the Office of the Recorder of said County, composed of Lots 125 thru 153, and Torrington Drive as vacated from its intersection with Sharon Drive to its intersection with Rodenbeck Drive

ADDRESS OF PROPERTY IS TO BE INCLUDED: West Washington Center Road

We, the undersigned, certify that we are the owners of fifty-one percentum (51%) or more of the property described in this petition.

Calvary Temple Church 1400 W Washington Ctr Rd \_\_\_\_\_  
Inc. Fort Wayne, IN 46825 \_\_\_\_\_  
\_\_\_\_\_  
(Name) \_\_\_\_\_ (Address) \_\_\_\_\_ (Signature) \_\_\_\_\_

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitions for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Daniel E. Serban, 1900 Lincoln Tower, Fort Wayne, IN 46802 423-1430

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, Indiana 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

A part of the Southwest Quarter of Section 14, Township 31 North, Range 12 East, in Allen County, Indiana, being all except the west 587 feet of a vacated part of RODENBECK'S 7th ADDITION as recorded in Plat Book 31, page 16, in the Office of the Recorder of said County, composed of Lots 125 thru 153, and Torrington Drive as vacated from its intersection with Sharon Drive to its intersection with Rodenbeck Drive

Owners of Property

Calvary Temple Church 1400 W Washington Ctr Rd \_\_\_\_\_  
Inc. Fort Wayne, IN 46825 \_\_\_\_\_  
\_\_\_\_\_  
(Name) \_\_\_\_\_ (Address) \_\_\_\_\_   
\_\_\_\_\_  
(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE  
PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED  
PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC  
HEARING FROM BEING HELD.

# CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

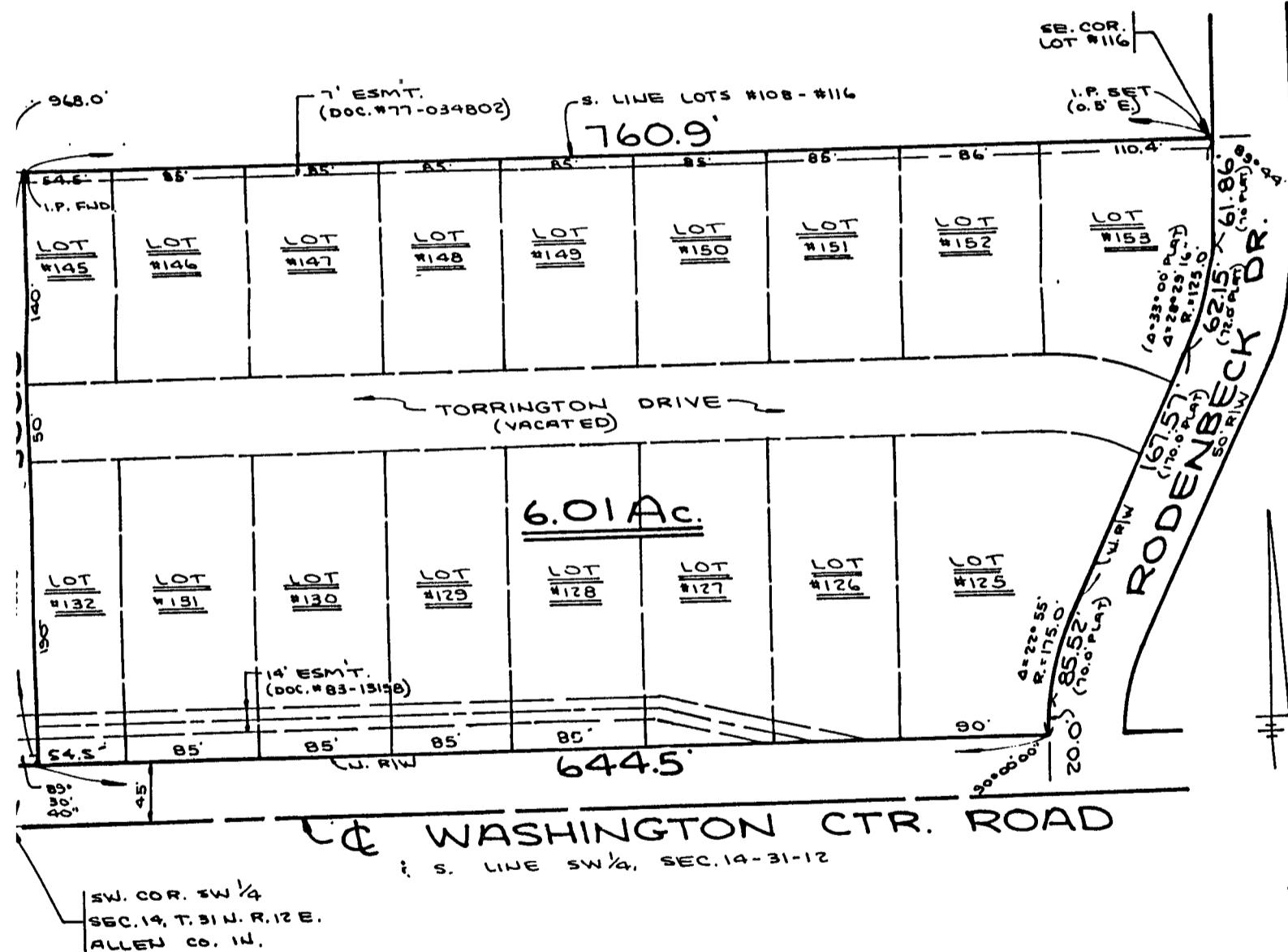
JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA  
 FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA  
 GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA  
 FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

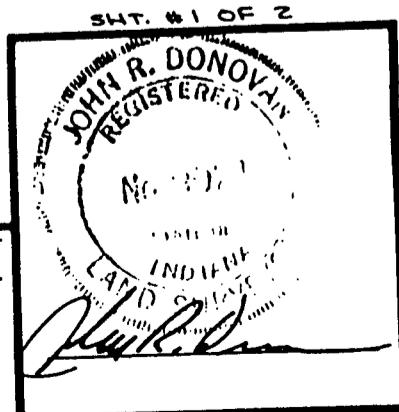
The description of the real estate is as follows, to wit: **SEE ATTACHED SHEET!**

NOTE: According to the Flood Insurance Rate Map (FIRM) number 18003C0145 D, dated Sept. 28, 1990, the herein described real estate is located in Zone "X", and is not in a flood hazard area.



JOB FOR: ZACHER

1" = 100'  
 6-16-82  
 REV. 7-8-92



# CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA  
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA  
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA  
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

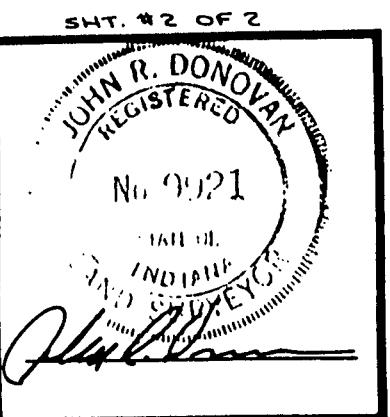
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Southwest Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana, being a vacated part of Rodenbeck's 7th Addition, vacated by Council Ordinance G-45-77, as recorded in Plat Book #31, page #16, in the Office of the Recorder of Allen County, composed of Lots #125 thru #131, the East 54.5 feet of Lot #132, the East 54.5 feet of Lot #145, Lot #146 thru #153 and a portion of Torrington Drive as vacated from its intersection with Sharon Drive to its intersection with Rodenbeck Drive, as ordered by Allen Circuit Court Cause No. CC-77-91, on October 4, 1977, and more particularly described as follows:

Beginning at a point on the South line of Lot #108 in Rodenbeck's 7th Addition, said point being 968.0 feet East and 413.35 feet North of the Southwest corner of the Southwest Quarter of Section 14, Township 31 North, Range 12 East, Allen County, Indiana; thence East along the South line of Lots #108 thru Lot #116, a distance of 760.9 feet to the Southeast corner of Lot #116, said point being located on the West right-of-way line of Rodenbeck Drive; thence South with a deflection angle to the right of 89 degrees 44 minutes along the West right-of-way line of Rodenbeck Drive, a distance of 61.86 feet (70.0 feet, plat); thence South on a curve to the right having a radius of 125.0 feet and a central angle of 28 degrees 29 minutes 16 seconds (33 degrees 00 minutes, plat) a distance of 62.15 feet (72.0 feet, plat); thence Southwest tangent to the aforesaid curve, along the West right-of-way line of Rodenbeck Drive, a distance of 167.57 feet (170.0 feet, plat); thence South on a curve to the left having a radius of 175.0 feet and a central angle of 28 degrees 00 minutes (23 degrees 00 minutes, plat), a distance of 85.52 feet (70.0 feet, plat); thence South tangent to the aforesaid curve, and along the West right-of-way line of Rodenbeck Drive, a distance of 20.0 feet to a point on the North right-of-way line of Washington Center Road; thence West with a deflection angle to the right of 90 degrees 00 minutes 00 seconds, along the North right-of-way line of Washington Center Road, and 45.0 feet North and parallel to the South line of the SW<sup>1/4</sup> of Sec. 14-31-12, a distance of 644.5 feet; thence North with a deflection angle to the right of 89 degrees 30 minutes 40 seconds, a distance of 368.8 feet to the point of beginning, containing 6.01 acres.

JOB FOR: ZACHER

7-8-92



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 11, 1992 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-92-08-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 17, 1992.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 24, 1992.

Certified and signed this  
16th day of September 1992.



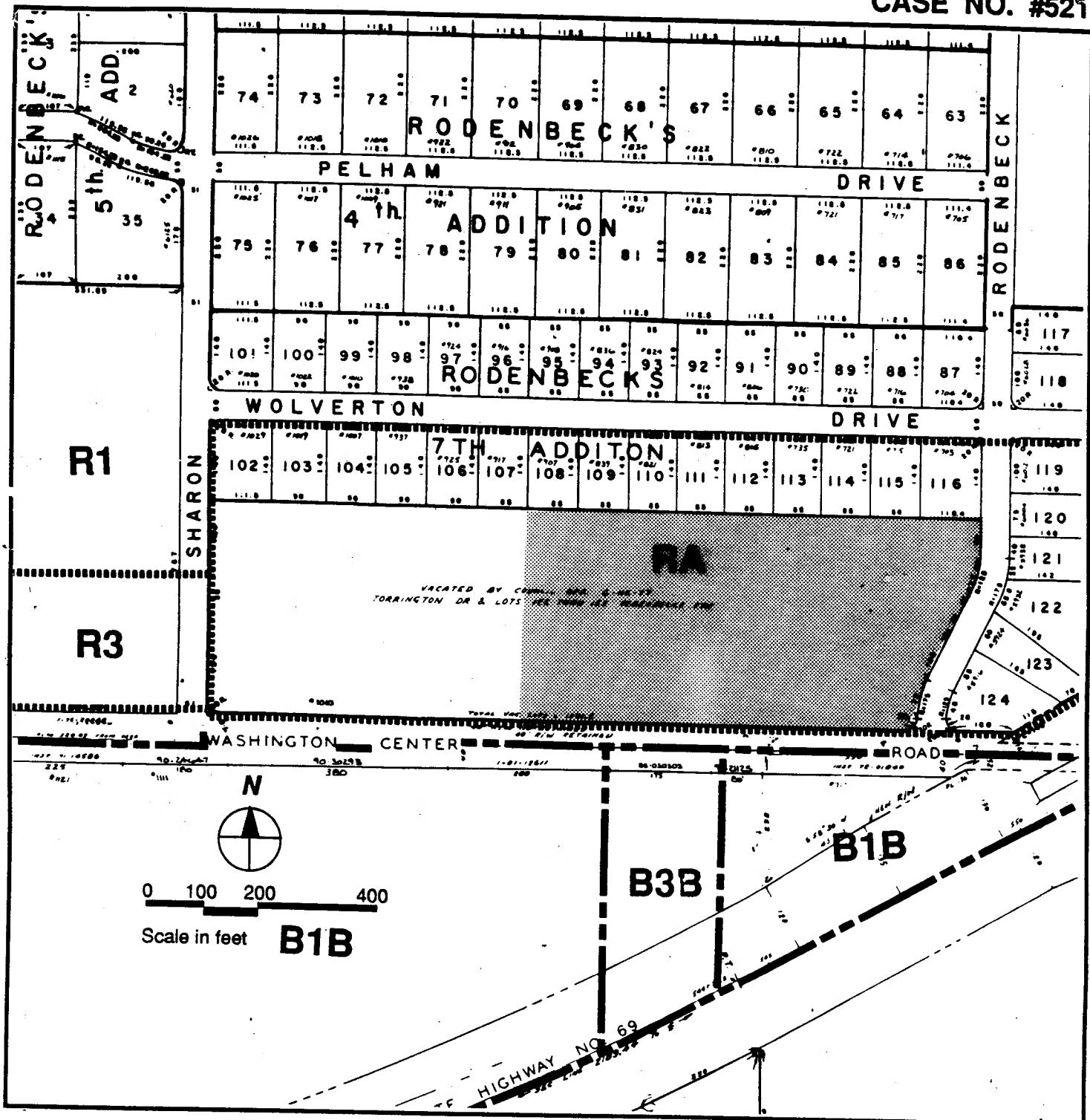
---

Robert Hutner  
Secretary

# REZONING PETITION

## AREA MAP

CASE NO. #521



COUNCILMANIC DISTRICT NO. 3

Map No. L-38  
LW 7-24-92

<b>R1</b>	One-Family	<b>B1</b>	Limited Business	<b>M1</b>	Light Industrial
<b>R2</b>	Two-Family	<b>B2</b>	Planned Shopping Center	<b>M2</b>	General Industrial
<b>R3</b>	Multi-Family	<b>B3</b>	General Business	<b>M3</b>	Heavy Industrial
<b>RA/RB</b>	Residential	<b>B4</b>	Roadside Business	<b>MHP</b>	Mobile Home Park
<b>PUD</b>	Planned Unit Dev.	<b>POD</b>	Professional Office District		

*#521*  
*Ord. And'*  
**ORIGINAL**

**ORIGINAL**

**DIGEST SHEET**

**TITLE OF ORDINANCE** Zoning Map Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** The 700 - 800 Block of Washington Center  
Road on the North side.

*2-92-08-07*

**EFFECT OF PASSAGE** Property is currently zoned R-1 - Single  
Family Residential. Property will become B-1-B - Limited  
Business District.

**EFFECT OF NON-PASSAGE** Property will remain an R-1 - Single  
Family Residential District.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE)** \_\_\_\_\_

BILL NO. Z-92-08-07 (AS AMENDED)

REPORT OF THE COMMITTEE ON  
REGULATIONS

CLETUS R. EDMONDS, CHAIR  
MARK E. GIAQUINTA, VICE CHAIR  
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) amending the City of  
Fort Wayne Zoning Map No. L-38

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (RESOLUTION)

DO PASS DO NOT PASS ABSTAIN NO REC

DATED: 10-13-92

Sandra E. Kennedy  
City Clerk